

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J
Review Petition Lodging No. 49 of 2004
in
Writ Petition No.3176 of 2002

State of Maharashtra ... applicant
VS
Dr S G Pimpale and ors..Respondents

Mr M D Naik AGP for applicant

Mr.Mihir Desai for respondent no.1

Mr. A L Patki for respondent no. 2

CORAM: A.P.SHAH & RANJANA P DESAI JJ.

Dated 14.10.2004

P.C:

1. The learned AGP appearing for the applicant submitted that previous service can be considered as per UGC guidelines dated 27.11.1990 but because of several breaks, the writ petitioner is not entitled to get benefit of previous service. If the break is less than 180 days the service interposing may be counted, provided the break is condoned by the concerned University. However, in the case of writ petitioner break is 187 days i.e. more than 180 days. The writ petitioner is therefore entitled to placement in senior Grade from 24.12.1987 and Selection Grade from 24.12.1995 and designation as a Reader from 24.12.1995.

2. We are unable to accept the submissions of the learned AGP. The Mumbai University has already condoned the delay vide letter dated 17.7.1998 at Exh F to the petition and the relevant portion of the said letter reads as under:

"In reply, I am directed to inform you that the break in service of Dr S.G.Pimple Lecturer in Physics has been condoned for 314 days from 20.6.1979 to 1.7.1979, 20.6.1981 to 13.8.1981, 21.4.1982 to 24.10.1982, and 21.4.1983 to 19.6.1983 for the purpose of getting pension cum gratuity benefits".

3. In any event the difference being only marginal i.e 7 days we are not inclined to entertain this review petition. Review petition is accordingly dismissed. The applicant is directed to implement the order 5.2.2003 within a period of two months from today.